

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

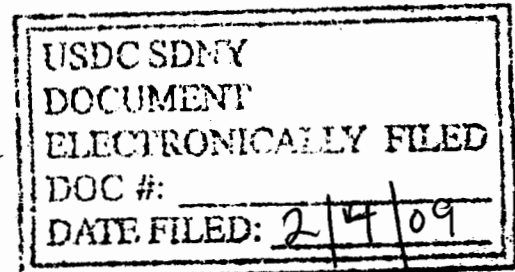
ALAN NEWTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendant(s).



ORDER

07-CV-6211 (SAS)

IT IS HEREBY ORDERED that, following a discovery conference on January 22, 2009, depositions shall proceed according to the following schedule:

1. The following depositions will take place on the following dates, all starting at 10:00 a.m., unless otherwise indicated, and limited to the number of hours set forth below:

Defendant Michael Sheehan (4 hours)	Feb. 2, 2009
Defendant Jack Trabitiz (7 hours)	Feb. 4, 2009
Defendant Bernard Ryan (3 hours)	Feb. 6, 2009 (2:00 pm.)
Defendant Patrick McGuire (7 hours)	Feb. 9, 2009
Defendant Geraldine Kiely (3 hours)	Feb. 10, 2009
Defendant Andrea Freund (7 hours)	Feb. 12, 2009
Defendant JoAnn Newbert (7 hours)	Feb. 26, 2009

2. The foregoing witnesses will also testify as Rule 30(b)(6) witnesses concerning the topics indicated: Chief Trabitiz (Topics ## 2, 3, 6, 11); Mr. McGuire (Topic #

10); and former Detective Newbert (Topic # 14). Defendants may also designate Chief Trabitiz to testify as to Topics ## 4 and 5 if they so choose.

3. The following depositions will take place on one of the alternate dates of February 5, 6, 10, 11, 12, 13, 18, 19, 20, 23, 25, or 27, 2009, limited to the number of hours set forth below:

Rule 30(b)(6) witness (Topic # 12) (3 hours)
and Topic #13 (2 hours)

Rule 30(b)(6) witness(es), DA's office (Topics # 2-5) (3 hours in total)

Rule 30(b)(6) witness(es), DA's office (Topics # 1, 6, 7) (3 hours in total)

Defendant Stacey Haskins (3 hours)

Defendants shall provide plaintiff's counsel with at least three (3) business days' notice concerning the date(s) when the foregoing witnesses shall be produced for deposition, unless the parties agree otherwise.


4. Defendants may continue plaintiff's deposition on a date to be agreed upon, but no later than March 15, 2009, limited to three (3) hours, excluding such time as is necessary to play the thirty-seven (37) minute recording concerning remarks given by plaintiff Alan Newton at the Verrazano College of Staten Island. The scope of the questioning shall be limited to (i) documents not produced as of the date when plaintiff's deposition commenced, and (ii) other areas permitted by the Court in advance of the continued deposition.

5. The time limits set forth above may be extended only for good cause upon a specific showing of unforeseeable circumstances, or other circumstances deemed sufficient by the Court, *except that the Court expects counsel to work cooperatively and in good faith to resolve any minor disputes regarding the duration of any of these depositions. In other words, if a deposition limited above to 3 hours can be completed in 3 hours and 10 minutes, the Court does not expect counsel to have to return to the Court to argue about 10 minutes. Counsel should be able to work this out.*

6. The parties may agree to change the dates set forth in this order without prior Court approval.

Dated: New York, New York
February 3, 2009

SO ORDERED:



Hon. Debra Freeman, U.S.M.J.